

SENATE JOINT RESOLUTION 999

By Person, Curtis

A RESOLUTION to create a special joint committee to study eminent domain.

WHEREAS, the decision of the United States Supreme Court in *Kelo v. City of New London* in June 2005 brought the issue of the use of eminent domain for economic development to the forefront in Tennessee, as well as many other states; and

WHEREAS, in legislatively addressing the public use issue arising from *Kelo*, it has become evident that Tennessee statutes concerning the other aspects of eminent domain are in many respects outdated, duplicative, or inconsistent; and

WHEREAS, property owners, legal practitioners and governmental entities would all benefit from a revision of the eminent domain laws; and

WHEREAS, in order to reform, modernize and consolidate the existing statutes, a thorough review of statutory and case law must be undertaken; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED FOURTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that there is hereby created a special joint committee to study the issue of eminent domain other than the issue of public use. Such committee shall be composed of the following members who shall be citizens of Tennessee:

(1) One (1) member of the majority caucus of the House of Representatives, to be appointed by the Speaker of the House from a list of three (3) nominees submitted by the majority caucus;

(2) One (1) member of the minority caucus of the House of Representatives, to be appointed by the Speaker of the House from a list of three (3) nominees submitted by the minority caucus;

(3) One (1) member of the majority caucus of the Senate, to be appointed by the Speaker of the Senate from a list of three (3) nominees submitted by the majority caucus;

(4) One (1) member of the minority caucus of the Senate, to be appointed by the Speaker of the Senate from a list of three (3) nominees submitted by the minority caucus;

(5) A representative of the Tennessee Bar Association;

(6) A representative of the American Association of Retired Persons (AARP), to be appointed by the AARP Tennessee State Office;

(7) A representative of the Tennessee Farm Bureau Federation;

(8) A representative of the Tennessee County Services Association; and

(9) A representative of the Tennessee Municipal League.

BE IT FURTHER RESOLVED, that all appropriate state agencies shall provide assistance to the special joint committee upon request of the chair.

BE IT FURTHER RESOLVED, that all legislative members of the special joint committee who are duly elected members of the General Assembly shall remain members of such committee until the committee reports its findings and recommendations to the General Assembly.

BE IT FURTHER RESOLVED, that non-legislative members of the special joint committee shall serve without compensation, nor shall they be reimbursed for travel expenses.

BE IT FURTHER RESOLVED, that the special joint committee shall be convened by the member with the most years of continuous service in the General Assembly, and at its first meeting shall elect a chair from among its legislative membership and shall also elect a vice-chair and such other officers the committee deems necessary from among its membership as a whole.

BE IT FURTHER RESOLVED, that the special joint committee shall timely report its findings and recommendations, including any proposed legislation, to the One Hundred Fifth General Assembly no later than February 1, 2007, at which time the committee shall cease to exist.

